

COURT SECURITY FUND

It is the intent of the Montana Association of Counties to seek legislation modifications that would allow for an additional ten-dollar fee added to civil proceedings and criminal charges for the purposes of providing funding for ongoing Court Security efforts.

WHEREAS, Section 25-1-201 MCA allows for the collection of fees for civil court filings to fund activities such as the children’s trust fund, civil legal assistance for indigent victims of domestic violence account, and the partner and family member assault intervention and treatment fund; and

WHEREAS, the civil filings listed in Section 25-1-201(1)(a) often result in an increased need for court security to protect those involved as well as court personnel; and

WHEREAS, Section 46-18-236 MCA allows for additional taxable court costs, fees or fines to be charged to both those receiving misdemeanor and felony convictions for the purpose of funding the payment of salaries to deputy county attorneys and city or town attorneys and other county, city and town attorney office personnel as well as funding the expenses of a victim and witness advocate program or the crime victims compensation and assistance program; and

WHEREAS, court security is necessary for the safety of court participants and personnel in all criminal proceedings; and

WHEREAS, the limited resources of local government has seriously inhibited the ability of cities, towns and counties to provide adequate and timely court security; and

WHEREAS, the responsibility for funding court security, in part, should come from those creating the potential threat to the judicial system and those participating in it.

NOW, THEREFORE BE IT RESOLVED, the Montana Association of Counties seeks legislation to amend Section 25-1-201 MCA and Section 46-18-236 MCA to provide for funding of court security in district, county, justice and municipal courts as appropriate.

SPONSOR: Gallatin County
RECOMMENDATION: Do Pass
PRIORITY: High
REFERRED TO: Budget & Finance Committee
Justice & Public Safety Committee
ADOPTED: Annual Conference, Hamilton, MT September 24, 2008